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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2021/2022

ULM1612 – LEGAL METHOD

(All Sections/Groups)

20 NOVEMBER 2021

Reading Time: 9.15 am - 9.30 am (15 minutes)

Answering Time: 9.30 am – 12.30 pm (3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are not allowed to bring any statutes into the exam venue.
5. Please write all your answers in the Answer Booklet provided.

SECTION A: COMPULSORY**QUESTION 1**

The legislature is empowered to make new laws, amend or overrule laws. Judges are forbidden to do so.

Discuss the statement above in relation to separation of powers. The discussion should also include the functions of the both these arms of government.

(Total: 25 marks)

QUESTION 2

Delegated legislation refers to the rules and regulations, which are passed by some person or body under some enabling parent legislation.

Discuss the statement above. Further, list out the advantages and disadvantages of delegated legislation. Finally, explain the notion of control pertaining delegated legislation.

(Total: 25 marks)

QUESTION 3

The principle applied in construing a Penal Act is that if, in construing the relevant provisions, 'there appears any reasonable doubt or ambiguity', it will be resolved in favour of the person who would be liable to the penalty. If there is a reasonable interpretation which will avoid the penalty in any particular case' as per Lord Esher MR, 'we must adopt that construction. If there are two reasonable constructions, we must give the more lenient one. That is the settled rule for the construction of penal sections.' – Maxwell on Interpretation of Statutes (12th Ed) at Pg 239.

With reference to the above statement, explain how judges are expected to deal with statutory interpretation in a criminal matter. Provide justification to the explanation provided above with reference to two decided cases in the area.

(Total: 25 marks)

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SECTION B: ANSWER ONE QUESTION ONLY**QUESTION 4A**

To celebrate the opening of their new store, the Harry Kane Clothing Stores (the store) held an opening sale, with 70% reduction in prices. A huge crowd of shoppers entered the store including Benjamin. Benjamin is a football enthusiast. He made his way to the sports section and saw a limited edition Harry Kane football boots priced at RM 700.00. He told the shop assistant that he would like one of those. The shop assistant then went to look for a pair in the storeroom. Five minutes later, the shop assistant came back and told Benjamin that the store had run out of stock for the item. He then told the shop assistant that he would like to purchase the pair that was displayed. The shop assistant said that the display pair was not for sale. Benjamin was infuriated and shouted some abusive words towards the shop assistant and left the department. On his way out of the store, he slipped and broke his arm. In the area where he slipped, there was a signboard in place informing the shop visitors to be very careful as the floor was slippery. Benjamin works as a football journalist in Star Newspaper Group and as a result is unable to write any football articles for the next three months due to the broken arm. Benjamin is really aggrieved about not being able to buy the boots that were on display and the store's negligence in causing him to break his arm. He has come to you to find out whether he has a cause of action against the store and if so, would like to appoint you as his lawyer. Advise Benjamin accordingly and proceed to prepare a persuasive argument to support his claims against the store.

(Total: 25 marks)

QUESTION 4B

Loco lost his job, which caused extreme financial hardship. If Loco did not figure out how to pay the bills, then his wife will leave him. Loco decided to kidnap and hold someone for ransom. Loco asked Mucho for help. Mucho refused because he did not want anyone to get hurt. Mucho knew Loco had a fierce temper. However, after Loco promised that he only wanted the money and would not hurt anyone, Mucho agreed to help. Loco and Mucho grabbed a teenage boy at the mall, put him in the van, drove him to an abandoned warehouse, and locked him in a room. Loco and Mucho could not send a ransom note to the boy's parents because the boy refused to share his contact information. After a week of unsuccessfully trying to get the boy to speak, Loco saw a missing persons report about the boy on the news. Loco panicked. Loco told the boy, "You better tell me the information or I'm going to kill you." The boy refused and spit in Loco's face. Loco was frustrated. He grabbed his pocketknife and stabbed the boy in the stomach. The boy screamed and passed out. Loco told Mucho they needed to leave the boy at the mall because the boy needed medical attention. Mucho and Loco left the boy at the parking structure and called 911. The paramedics arrived and took the boy to the hospital. The boy died because he loss too much blood. The police arrested Loco and Mucho soon after. You are the lawyer acting for Mucho and he has been charged for the murder of the teenage boy under S302 of the Malaysia Penal Code. Highlight your persuasive arguments why your client should not be found guilty of the charge and the charge should actually be reduced to aiding and abetting to kidnapping only.

(Total: 25 marks)

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